

REMARKS

Reconsideration and allowance of this application are respectfully requested.

I. Summary of Non-final Office Action

The office action issues in response to a request for continued examination for the above-identified application filed on December 26, 2006.

Claims 155-176 are pending, with claims 159-160, 175 remaining withdrawn due to a previously set forth restriction requirement.

Claims 155, 158, 161-165, 169-172, 176 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by *Hellerich* (US 3,854,347).

Claims 156, 157, 168 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hellerich* in view of *Taylor et al* (WO 93/23687).

Claims 166-167, 173-174 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hellerich*.

II. Summary of Claim Amendments

By this Amendment, Applicant amends claim 155, and adds new claim 177 dependent upon claim 155. Thus, claim 155-177 are all the claims pending in this application, with claims 159-160, 175 remaining withdrawn.

Applicant respectfully submits that the pending claims are allowable over the cited references, taken alone or in combination.

III. Analysis of Claim Rejection

In rejecting claim 155, the Examiner still relies on the dynamic balancing device of *Hellerich* to allege anticipation of the claimed subject matter

As noted above, however, claim 155 is now amended in the last clause of the claim as follows:

... wherein said mobile unit is arranged to be freely movable within said non-magnetic hollow tube by centrifugal force generated by rotation of said disk such that the center of gravity of said self-compensating dynamic balancer moves to be located opposite to the center of gravity of said disk with respect to said rotation axis when an angular frequency of the disk is greater than a natural frequency of the disk player.

The above-underlines portion adds to the claim a condition to generate the balancing center of gravity (CG) location, based on the first paragraph of page 41 of the present application. Applicant respectfully submits that the claim is patentable at least for the following reasons:

Even though the rotational position of the mass members 52 of *Hellerich* may be alleged to tend to dynamically balance the disk pack when the disk pack rotates, the reference is still silent about a specific CG location of a balancing device based on the CG of a disk and a rotation axis. The reference does not teach a specific condition of such balancing of the disk pack in rotation. While there could always be different kinds of balancing schemes including that of the reference, the claimed balancer is specifically configured to arrange the mobile unit to move such that when an angular frequency of the disk is greater than a natural frequency of the disk player, the CG of the balancer moves to a location opposite to the CG of the disk with respect to the rotation axis.

By contrast, *Hellerich* does not teach whether its balancing device is configured to function as specifically recited in the claim, while the reference simply asserts that the theory upon which the dynamic balancing device operates is well known to those skilled in the mechanical vibration art. The reference fails to provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teaching of the reference. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). In other words, even though *Hellerich* may teach a dynamic balancing device with a tube with mass members which may generate a balancing effect, it fails to teach a structure to generate a specific balancing scheme as recited in the claimed balancer.

Therefore, Applicant respectfully submits that the claimed apparatus is not anticipated by *Hellerich*.

Applicant also submit that claims 156-158, 161-174 and 176 should be allowable at least due to their dependency.

IV. New Claim

In order to more fully cover the present invention, Applicant adds new claim 177. The new claim recites that the self-compensating dynamic balancer of the claimed apparatus is one to be mounted to at least one among members which are rotated by the rotational force provided by a spindle motor, and the center of gravity of said self-compensating dynamic balancer is located opposite to that of said disk with respect to a rotational shaft of said spindle motor by a centrifugal force generated during rotation of said disk, thereby to compensate for vibrations due to an eccentric center of gravity of said disk.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No.: 10/714,631

Attorney Docket No.: Q78520

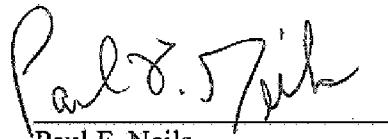
Applicant respectfully submits that the new claim defines patentable subject matter under the present application, and thus requests entrance and allowance of the new claim.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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